IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14460 of 2004

Between:

Smt. Pusam Rambayamma, W/o. Anjaiah,
R/o. Chinanallaballi (V), Dummagudem (M), Khammam District.

..... PETITIONER

AND

1 The Sub Collector, Bhadrachalam, Khammam District.
2 The Mandal Revenue Officer, Dummagudem (M) Khammam

District.
3 Sri Vemula Sambaiah, S/o. Venkataswamy,
R/o. Keshavapatnam (V), Dummagudem (M), Khammam

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of mandamus declaring the action of the 2nd respondent and his subordinates in taking steps to dispossess the petitioner from the land admeasuring Ac.3-25 cents in Sy.No.63/2 situated at Chinanallaballi (V) Dumamgudem (M) of Khammam District without issuing any notice and without providing opportunity as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent Nos. 1 and 2 and their staff not to dispossess the petitioner from her land

Counsel for the Petitioner : MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 and 2 : GP FOR REVENUE (Assignments)

Counsel for Respondent No.3 : ---

The Court made the following :

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O R D E R :

It is the case of the petitioner that he is in possession and enjoyment of the land admeasuring Acs.3-25 in Survey No.63/2 situated at Chinanallaballi Village, Dummagudem Mandal of Khammam District. The land was originally owned by father-in-law of the petitioner. The father of third respondent forcibly occupied the land. The Special Deputy Collector (Tribal Welfare), Paloncha, passed an order evicting the father of third respondent. Thereafter the land was delivered to the husband of the petitioner. The petitioner was also granted a patta on 24-12-1997. In this writ petition, the petitioner alleges that at the behest of third respondent, second respondent is trying to dispossess the petitioner and also addressed a letter to the local Police and the Police have summoned the petitioner's husband and threatened with dire consequences directing to evict the land. Therefore, apprehending unlawful eviction by the respondents, the petitioner approached this Court seeking a declaration that the action of respondents 1 and 2 in taking steps to dispossess the petitioner from the land in her possession is illegal and arbitrary.

After receiving instructions from respondents 1 and 2, the learned Government Pleader for Revenue (Assignments) submits that there is no proposal to evict the petitioner and that the writ petition is filed on mere apprehension. She also submits that the appeal filed by the third respondent against the patta granted in favour of the petitioner is still pending.

Recording the submission of the learned Government Pleader, the writ petition is disposed of observing that if any action is to be taken against the petitioner, the respondents may do so in accordance with law, only after disposal of the appeal filed by third respondent.

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(V.V.S.RAO, J.)

Dt.17-08-2004.

Msr.

To

1 The Sub Collector, Bhadrachalam, Khammam District.

2 The Mandal Revenue Officer, Dummagudem (M) Khammam

District.

3. 2CCs to Government Pleader for Revenue (Assignments)

High Court of A.P., Hyderabad.

4. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)